

NOTICE AUTHORIZED BY JUDGE PAMELA A. BARKER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

**If you have been employed by The Lincoln Electric Company at any time between November 20, 2015, and the present and were paid a piece rate, please read this Notice**

**A collective action lawsuit for unpaid overtime may affect your legal rights.**

- TO:** All current or former employees of The Lincoln Electric Company who were employed at any time between November 20, 2015, and the present and were paid a piece rate.
- RE:** Potential claim for alleged unpaid overtime under the Fair Labor Standards Act ("FLSA").

**1. PURPOSE OF THIS NOTICE**

This Notice informs you of a collective action lawsuit that has been filed under the Fair Labor Standards Act ("Federal Wage Law"), alleging that certain employees of The Lincoln Electric Company who were paid a piece rate were not paid all overtime due. This Notice advises you of how your rights may be affected by this lawsuit and tells you how you can include or exclude yourself from the lawsuit. **This notice contains information that affects your rights.**

**Please read it carefully.**

**2. DESCRIPTION OF THE ACTION**

On November 20, 2018, this collective action lawsuit was filed against Defendant The Lincoln Electric Company in the United States District Court for the Northern District of Ohio, Case No. 1:18-02705. The action was filed on behalf of Quintin Slaughter and all other similarly-situated individuals.

Plaintiff alleges that The Lincoln Electric Company violated Federal Wage Law by not paying certain Lincoln Electric employees who were or who are paid a piece rate for all overtime worked. In particular, Plaintiff alleges that Lincoln underpaid overtime to these employees because it had an improper time-rounding policy which resulted in employees not being paid for pre-shift work.

Plaintiff alleges that he and all other similarly-situated individuals are entitled to recover the following from Defendant under the Federal Wage Law: (a) unpaid overtime; (b) liquidated damages; (c) attorneys' fees; and (d) costs.

Defendant denies Plaintiff's claims. Defendant specifically asserts that it provides a grace period for the benefit of its employees and that the provision of such a grace period is entirely lawful.

The Court has not yet decided whether Plaintiff or Defendant is correct. By permitting the issuance of this Notice, the Court is not suggesting that Plaintiff will win or lose the case.

### **3. YOUR RIGHT TO PARTICIPATE IN THIS ACTION**

Plaintiff seeks to sue not only for himself but also for other persons with whom he contends he is similarly-situated. Plaintiff alleges that those individuals are current and former employees of The Lincoln Electric Company who were or have been employed by Lincoln Electric for any length of time between November 20, 2015, and the present, who were paid a piece rate, and who were not paid for their pre-shift work. If you fit this definition, you have the right to participate in this action.

4. **HOW TO PARTICIPATE IN THIS ACTION**

**THE COLLECTIVE ACTION – WHAT ARE MY CHOICES?**

**IF YOU WANT TO JOIN THE  
COLLECTIVE ACTION**

By signing and sending in the “Consent to Join” form included with this Notice, you will “opt-in.”

**If you want to participate, you MUST complete and return the “Consent to Join” form included with this Notice no later than \_\_\_\_\_.** [a date 90 days from the notice]

**You can return the “Consent to Join” form by:**

- **Mailing it [TPA] in the self-addressed and postage-prepaid envelope included with this Notice;**
- **Faxing the “Consent to Join” form to [TPA];**
- **Signing it electronically (eSigning) via PDF at [insert TPA URL]**
- **Scanning and emailing the attached “Consent to Join” form to [TPA]**

By doing so, you will “opt-in” and become a member of the Collective Action lawsuit.

If you participate, you may be entitled to share in monetary amounts that might be recovered from a trial or settlement in this lawsuit. You may be required to participate in discovery, such as appearing for a deposition. You give up the right to sue Lincoln Electric on your own for the same claims in this lawsuit.

**IF YOU DO NOT WANT TO JOIN  
THE COLLECTIVE ACTION**

If you do not want to participate, you do not need to do anything. You will not be part of the collective action.

You will not be bound by any judgments or settlement.

## **5. NO RETALIATION PERMITTED**

Neither Lincoln Electric nor any of its agents or employees will take any action against you either for taking party in this collective action or declining to participate.

## **6. EFFECT OF JOINING THIS ACTION**

If you join this lawsuit, you will be bound by any judgment that is rendered, whether favorable or unfavorable. You will also be bound by, and share in, any settlement that may be reached on behalf of the class.

Plaintiff has entered into a contingency fee agreement with Plaintiff's counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. Any settlement of this lawsuit must be approved by the Court. If there is a recovery, the contingency fee percentage payable to Plaintiff's counsel will be taken out of your recovery. Costs expended by Plaintiff's counsel on your behalf will be deducted from your remaining recovery. If Plaintiff is unsuccessful, you will not owe any attorneys' fees.

## **7. NO LEGAL EFFECT OF NOT JOINING THIS ACTION**

If you choose not to join this action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, nor will you share in the recovery, if any. You will be free to file your own lawsuit. However, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

## **8. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you participate in this action, you will be represented by

Shannon M. Draher (0074304)  
7266 Portage street, N.W. Suite D  
Massillon, OH 44646  
Telephone: (330) 470-4428  
Facsimile: (330) 754-1430  
Email: [sdraher@ohlaborlaw.com](mailto:sdraher@ohlaborlaw.com)

Christopher J. Lalak (0090079)  
614 West Superior Avenue, Suite 1148  
Cleveland, Ohio 44113  
Telephone: (216) 230-2955  
Email: [clalak@ohlaborlaw.com](mailto:clalak@ohlaborlaw.com)

**DEFENDANT IS REPRESENTED BY:**

Gregory V. Mersol  
Jeffrey R. Vlasek  
Carrie Valdez  
BAKER & HOSTETLER LLP  
Key Tower  
127 Public Square, Suite 2000  
Cleveland, OH 44114-1214  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740  
[gmersol@bakerlaw.com](mailto:gmersol@bakerlaw.com)  
[jvlasek@bakerlaw.com](mailto:jvlasek@bakerlaw.com)  
[cvaldez@bakerlaw.com](mailto:cvaldez@bakerlaw.com)

**9. FURTHER INFORMATION**

Further information about this Notice or the action may be obtained from Plaintiffs' counsel.

**DO NOT CONTACT THE COURT.**

**THIS NOTICE HAS BEEN AUTHORIZED BY THE HONORABLE JUDGE PAMELA A. BARKER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR OF DEFENDANTS' DEFENSES.**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**QUINTIN SLAUGHTER, on behalf of  
himself and others similarly situated**

Case No. 1:18-cv-02705

Plaintiff,

Judge Pamela A. Barker

vs.

**CONSENT TO JOIN**

**THE LINCOLN ELECTRIC COMPANY**

Defendant.

I hereby consent, agree, and opt-in to be a party Plaintiff in the above-captioned collective action. I agree to be represented by Nilges Draher, LLC. I understand that by filing this consent, I will be bound by any settlement or judgment of the Court on all issues in this case.

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**Full Name (Print clearly)**

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**Signature/Date**

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**Street Address**

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**City/State/Zip**

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**Telephone Number**

---

**Email Address:**

eSign via PDF at [INSERT URL] or return to:

Address: [TPA]

Fax: [TPA]

Email: [TPA]

Must be eSigned, postmarked, faxed or emailed by [DATE]